

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

MARIA GARZA and RUTH GARZA,

Plaintiffs,

v.

MESA AIRLINES, INC., and MESA AIR
GROUP, INC.,

Defendants.

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CIVIL ACTION NO.

5:16-cv-00803

NOTICE OF REMOVAL

Defendants Mesa Airlines, Inc. (“Mesa Airlines”) and Mesa Air Group, Inc. (“Mesa Air Group”) (together, “Mesa” or “Defendants”) pursuant to 28 U.S.C. §§ 1332, 1441, and 1446 hereby give notice of the removal of this action from the 45th Judicial District Court of Bexar County, Texas (the “State Court”) to this Court. In support thereof, Defendants would respectfully show the Court the following:

I.

1. Plaintiffs Maria Garza and Ruth Garza (“Plaintiffs”) filed a lawsuit in the State Court captioned *Maria Garza and Ruth Garza v. Mesa Airlines, Inc. and Mesa Air Group, Inc.*, Cause No. 2016-CI-10593, in the State Court (the “State Court Action”). In the State Court Action, Plaintiffs assert claims of negligence, willful and wanton negligence, and gross negligence against Defendants.

2. Defendants were served with Plaintiffs’ Original Petition on July 14, 2016. This Notice of Removal is timely because it has been filed within 30 days of service of Plaintiffs’ Original Petition as required under 28 U.S.C. § 1446(b).

3. Pursuant to 28 U.S.C. §1446(a), Defendants attach a copy of all process, pleadings, and orders served in the State Court Action as Exhibit A.

4. The Court has original jurisdiction over this case pursuant to the Court's diversity jurisdiction provided under 28 U.S.C. § 1332(a).

5. As alleged in Plaintiffs' Original Petition, Plaintiffs seek monetary damages of more than \$1,000,000. [Exhibit A-1, Plaintiffs' Original Petition at p. 7]. Accordingly, the amount in controversy in the State Court Action exceeds \$75,000, exclusive of interest and costs.

6. As alleged in Plaintiffs' Original Petition, Plaintiffs are residents of Hidalgo County, Texas, and are therefore citizens of Texas. [*Id.* at p. 1, ¶¶ 2-3]. Mesa Airlines is a Nevada corporation with its principal place of business in Arizona, and therefore is a citizen of Nevada and Arizona for diversity of citizenship purposes. [*Id.* at p. 2, ¶ 4]. Mesa Air Group is a New Mexico corporation with its principal place of business in Arizona, and therefore is a citizen of New Mexico and Arizona for diversity of citizenship purposes. [*Id.* at p. 2, ¶ 5]. As required under § 1332(a), there is complete diversity of citizenship between Plaintiffs and Defendants.

7. Venue is proper in this Court under 28 U.S.C. § 1441(a) because the State Court from which the State Court Action is being removed lies within the Western District of Texas.

II.

For the foregoing reasons, Defendants respectfully ask that the State Court Action be removed to this Court, and for all other relief, in law or in equity, to which they may be justly entitled.

Respectfully Submitted,

/s/ Leane K. Capps

Leane K. Capps

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CERTIFICATE OF SERVICE

I hereby certify that on August 11, 2016, the foregoing was served via the Court's electronic filing system in accordance with Rule 5 of the Federal Rules of Civil Procedure on the following counsel of record:

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